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SERVICE DATE – DECEMBER 23, 2005

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-290 (Sub-No. 250X)

NORFOLK SOUTHERN RAILWAY COMPANY—ABANDONMENT EXEMPTION—
IN CHAMPAIGN COUNTY, IL

Decided: December 22, 2005

Norfolk Southern Railway Company (NSR) filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon an approximately 0.18-mile rail line extending between approximately milepost UM 28.50 and milepost UM 28.68 in Urbana, Champaign County, IL. Notice of the exemption was served and published in the Federal Register on November 30, 2004 (69 FR 69682-83). By decision and notice of interim trail use or abandonment (NITU) served on December 29, 2004, the proceeding was reopened and a 180-day period was authorized for the Urbana Park District, the City of Urbana, and the Champaign County Design and Conservation Foundation (collectively, Commenters) to negotiate an interim trail use/rail banking agreement with NSR for the right-of-way involved in this proceeding.¹ The trail use negotiating period was scheduled to expire on June 27, 2005. By decision served June 22, 2005, the NITU negotiating period was extended until December 24, 2005.

On December 19, 2005, NSR filed a request for a 180-day extension of the NITU negotiating period. NSR states that it continues to negotiate with the Urbana Park District (District).

Where, as here, the carrier is willing to continue trail use negotiations, the negotiating period may be extended. An extension of the negotiating period will promote the establishment of trail use and rail banking consistent with the National Trails System Act, 16 U.S.C. 1247(d).² Accordingly, the NITU negotiating period will be extended for an additional 180 days from December 24, 2005, until June 22, 2006, to allow NSR to negotiate with the District.

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

¹ The decision and notice also made the exemption subject to a salvage condition and to a public use condition. The public use condition, which is limited by statute to 180 days, expired on June 28, 2005, and may not be extended.

² See Rail Abandonments—Supplemental Trails Act Procedures, 4 I.C.C.2d 152, 157-58 (1987).

It is ordered:

1. NSR's request to extend the NITU negotiating period as it pertains to the District is granted.
2. The negotiating period under the NITU is extended for 180 days until June 22, 2006.
3. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams
Secretary